IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7641 OF 2006

Mr.Ishwar L.Chheda .. Petitioner.
Vs.
Pravin Shamji Karia & Anr. .. Respondents.

Mr.A.M.Saraogi for the petitioner.
Mr.D.H.Shah i/b M/s.Vimla & Co. for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 25TH JANUARY, 2007

P.C.:

. Heard learned counsel for the parties.

2. By this writ petition, the petitioner-defendant has impugned the order dated 13.9.2006 passed in revision application no.190 of 2006 in Exhibit No.9 in R.A.E.Suit No.672/1091/2005 by which the revision has been dismissed and the order passed by the trial Court dated 12.7.2006 passed below Exhibit-9 has been confirmed. By the order dated 12.7.2006 the prayer of the petitioner made in application at Exhibit-9 for condonation of delay in filing written statement was rejected. Admittedly, the written statement, though was not filed within 30 days as contemplated under Order 8 Rule 1 of CPC, it was filed within 90 days and the court below rejected

the application holding that no cogent reasons were mentioned in the application for condonation of the delay in filing written statement. The learned counsel for the parties after making brief submissions have agreed for the following order:

. The orders passed by the courts below dated 13.9.2006 and 12.7.2006 below Exhibit-9 are quashed and set aside. The written statement filed by the petitioner be taken on file subject to payment of cost of Rs.7,500/- to be paid by demand draft or advocate's cheque in favour of the respondent within a period two weeks from today. The writ petition stand disposed of in the aforesaid terms.

(D.B.Bhosale, J.)